IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE**

**and**
**THE HON'BLE MR JUSTICE M.NARAYANA REDDY**

**WRIT APPEAL NO : 2025 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/10/2004 in WPMP No.1253 of 2004 in WPMP (SR) 40091 of 2003 and WPMP (SR) 40093 of 2003 in WP NO : 6120 OF 1997 on the file of the High Court.)

Between:

Salivahana Sangam, Chilakaluripeta, Guntur District, rep.by its President Nalluri Adinarayana.

**..... APPELLANT**

AND

1 The District Collector, Guntur District.
2 The Mandal Revenue Divisional officer, Chilakaluripet, Guntur District.
3 V.Srinivasa Rao, S/o.V.Chinna Kesava Prasad, Journalist, R/o.Chilakaluripet, Guntur District.
4 P.Ramesh, Journalist, R/o.Chilakaluripet, Guntur District.
5 D.Gopi, Journalist, R/o.Chilakaluripet, Guntur District.
6 Smt.N.Kasturi, W/o.Babji Rao, Journalist, R/o.Chilakaluripet, Guntur District.
7 Smt.K.Radh, W/o.K.Sambasiva Rao, Journalist, R/o.Chilakaluripet, Guntur District.
8 Smt.G.Siva Parvathi, W/o.Venkateswarlu, Journalist, R/o.Chilakaluripet, Guntur District.
9 P.Rama Rao, Journalist, R/o.Chilakaluripet, Guntur District.
10 P.Siva Rama Krishna, R/o.Chilakaluripet, Guntur District.

11 Smt.V.Dhana Laxmi, W/o.Narasaiah, Journalist,
R/o.Chilakaluripet, Guntur District.
12 A.Ramakrishna, Journalist,
R/o.Chilakaluripet, Guntur District.
13 B.Masthan, S/o.Musalaiah, Journalist,
R/o.Chilakaluripet, Guntur District.

14 Shaik Faqruddin, Journalist,
R/o.Chilakaluripet, Guntur District.
15 Shaik Shekavath Ali, Journalist,
R/o.Chilakaluripet, Guntur District.

**.....RESPONDENTS**

**Counsel for the Appellant: MR.P.KESAVA RAO**

**Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE**

**Counsel for the Respondents 3 to 15: None appeared.**

**The Court made the following :**

ORAL ORDER: (per the Hon'ble the Chief Justice)

W.P.No.6120 of 1997 was pending and on 29th March, 2000, stop order was passed because of the petitioner-appellant not diligently taking steps to furnish detailed addresses of respondents 3, 8 and 11 or of their advocate in the trial court. Time was allowed upto 17th April, 2000 to comply with the requisition of the Registry and in default it was ordered that writ petition against them shall stand dismissed. The said order was not complied with and writ petition was not taken up thereafter. But the petitioner-appellant herein filed an application on 22nd April, 2003 to set aside the order dated 29th March, 2000. This application was also not in order and was still at S.R stage, when another application WPMP No.1253 of 2004 was filed on 20th January, 2004 seeking condonation of delay in filing the application and refiling the earlier miscellaneous application. In fact, the ground urged in seeking condonation of delay and seeking to set aside the order was that the counsel was not present on the date when stop order was passed and later on he was appointed as Government pleader. He had instructed his junior to appear who did not mark the case in the cause list on 29-3-2000 and thus the counsel lost track of the case. Thus prayer was made to condone the delay in filing the application for setting aside the order. Application seeking condonation of delay has been dismissed by learned single Judge by the order impugned in the present appeal. As a consequence, other applications have also been dismissed.

There is no doubt that there is gross negligence in dealing with the office objections and in complying the said orders and even subsequently in seeking to have the order set aside. This lacuna on the part of the counsel should not cause any prejudice or harm to the petitioner-appellant, who reposed utmost confidence and faith in his lawyer in diligently prosecuting the case. Moreover, in such like cases, when the main writ petition itself was not taken up for hearing after the stop order was passed and is still pending in court and except the official respondents, no others are appearing in the case, there is no prejudice or inconvenience to the three respondents against whom stop order has been issued and the writ petition stood rejected. More liberal approach ought to have been adopted by learned single Judge in condoning the delay, may be subject to certain costs. In this view of the matter, we allow the appeal and set aside the impugned order subject to payment of Rs.2,000/- (Rupees two thousands only) as costs to be deposited within a period of two weeks from today with the A.P. High Court Legal Services Authority.

As a consequence of setting aside of the impugned order, WPMP No.1253 of 2004, WPMP (SR) No.40091 of 2003 and WPMP (SR) No.40093 of 2003 shall stand allowed in terms of the prayer made by the petitioner. The order dated 29th March, 2000 is recalled and time to serve the three unserved respondents is extended by a period of four weeks from today.

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DEVINDER GUPTA, CJ

17-12-2004

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M.NARAYANA REDDY, J

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To

1 The District Collector, Guntur District.
2 The Mandal Revenue Divisional officer, Chilakaluripet, Guntur District.

3 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad, (OUT).

4 2 CD copies.